

FILED

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FEB 16 2010

CLERK, U.S. DISTRICT COURT

By Deputy

AUNDRE V. DAVIS,

Applicant,

VS.

NO. 4:09-CV-434-A

RICK THALER, Director,
Texas Department of Criminal
Justice, Correctional
Institutions Division,

Respondent.

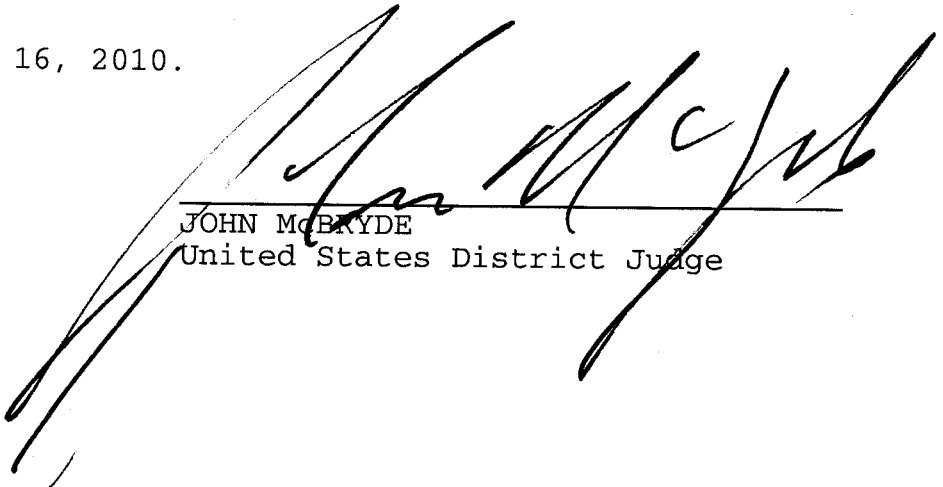
O R D E R

Came on for consideration the above-captioned action wherein Aundre V. Davis ("Davis") is applicant¹ and Rick Thaler, Director, Texas Department of Criminal Justice, Correctional Institutions Division, is respondent. This is an application for writ of habeas corpus filed by applicant on July 27, 2009, pursuant to 28 U.S.C. § 2254. On January 19, 2010, the United States Magistrate Judge issued his proposed findings and conclusions and recommendation ("FC&R"), and ordered that the parties file objections, if any, thereto by February 10, 2010. Copies of the proposed FC&R were sent to applicant and respondent. Because timely objections have not been filed, the court adopts the magistrate judge's proposed findings and conclusions and accepts the magistrate judge's recommendation.

¹The title of the document filed by Davis was "Petition for Writ of Habeas Corpus by a Person in State Custody," and he referred to himself as "petitioner" in the document. Consistent with the wording of 28 U.S.C. § 2254, the court is referring to the document filed as an "application" and is referring to Davis as "applicant."

The court ORDERS that the application be, and is hereby, denied.

SIGNED February 16, 2010.



JOHN MCBRYDE
United States District Judge